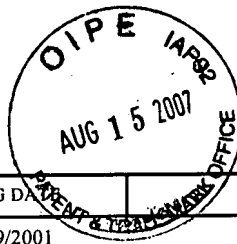




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,684	08/09/2001	Jonathan Turner	05793.3063	2377
22852 7590 08/10/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
			EXAMINER DUNHAM, JASON B	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

- The time period for reply, if any, is set in the attached communication.

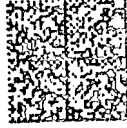
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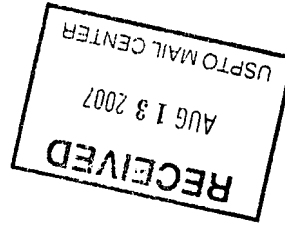
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Office Action Summary	Application No. 09/924,684	Applicant(s) TURNER ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17,36-55,74-91 and 109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17,36-55,74-91 and 109 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14,17,36-52,55,74-88,91, and 109 are rejected under 35

U.S.C. 102(e) as being anticipated by Lilly (U.S. Patent Application Publication No. 2002/0156723).

Referring to claim 1. Lilly discloses a method for providing messages to a user located at a client system attached to a network while the client system is displaying a web page associated with a web site provided by a web server through the network, the method comprising:

- Obtaining a financial account limit and an outstanding balance of a financial account associated with the user (Lilly: figure 3a);
- Determining that the user is attempting to purchase an item from the web site using the financial account (Lilly: paragraph 78);
- Analyzing a cost of the item against the financial account limit associated with the financial account (Lilly: paragraph 89); and

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- Presenting a message for display along with the web page based on the analysis, wherein the message indicates an updated status of the financial account assuming the user purchases the item from the web site using the financial account (Lilly: paragraphs 49-50).

Referring to claims 2-3. Lilly further disclose a method wherein determining that the user is attempting to purchase the item from the web comprises determining that the user has selected a trigger or an option that indicates or reflects that the user is attempting to purchase the item (Lilly: paragraph 78).

Referring to claim 4. Lilly further discloses a method wherein analyzing the cost of the item against a financial account limit associated with the financial account comprises:

- Determining whether a sum of the cost of the item and the outstanding balance exceeds the financial account limit (Lilly: paragraphs 81-82);
- Presenting a message reflecting an offer to increase the financial account limit when the sum is above the financial account limit (Lilly: paragraphs 81-82).

Referring to claim 5. Lilly further discloses a method wherein obtaining a financial account limit and an outstanding balance of a financial account associated with the user comprises:

- Ranking the financial account based on a current status of the account (Lilly: paragraph 49);
- Determining whether a sum of the cost of the item and the outstanding balance exceeds the financial account limit (Lilly: paragraphs 81-82);

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- Notifying the user that the financial account limit will be exceeded if the item is purchased using the financial account based on whether the sum is above the financial account limit and the rank of the financial account (Lilly: paragraphs 49-50).

Referring to claim 6. Lilly further discloses a method wherein the message reflects an indication that the financial account limit will be exceeded if the item is purchased using the financial account (Lilly: paragraphs 81-82).

Referring to claim 7. Claim 7 is rejected under the same rationale set forth above.

Referring to claim 8. Lilly further discloses a method wherein the steps of determining that the web site provided by the web server is included within a list of web sites, obtaining, determining that the user is attempting to purchase an item from the web site, analyzing, and presenting, are each performed by an application located at the client system (Lilly: paragraphs 99-101).

Referring to claim 9. Lilly further discloses a method wherein the steps of obtaining a financial account limit and analyzing the outstanding balance are performed by a financial account issuer (Lilly: paragraph 39).

Referring to claims 10-11. Claims 10-11 are rejected under the same rationale set forth above.

Referring to claim 12. Lilly further discloses a method wherein the message includes an indication reflecting a number of payments at a determined amount that the

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user would have to make to a financial account issuer if the item is purchased with the financial account (Lilly: paragraph 115).

Referring to claim 13. Lilly further discloses a method wherein the determined amount is selected by the user (Lilly: paragraph 125).

Referring to claim 14. Lilly further discloses a method wherein the message includes an indication reflecting a payment amount that the user would periodically have to make to a financial account issuer to pay off the purchase price of the item (Lilly: paragraph 126).

Referring to claim 17. Lilly further discloses a method including obtaining account information including interest rate (Lilly: paragraph 50).

Referring to claims 36-45. Claims 36-45 are rejected under the same rationale set forth above.

Referring to claims 46-47. Lilly further discloses a medium wherein the client system executes a browser for rendering the web page that is displayed at the client system, and wherein the message is displayed on top of a browser window (Lilly: paragraphs 46 & 78). The examiner submits that it is old and well known in the art to display messages from web site by using scrolling messages and pop-up windows.

Referring to claims 48-52,55,74-88,91, and 109. Claims 48-55,74-88,91, and 109 are rejected under the same rationale set forth above.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-16, 53-54, and 89-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lilly (U.S. Patent Application Publication No. 2002/0156723) in view of Ehrlich (U.S. Patent No. 6,873,968).

Referring to claims 15-16 and 89-90. Lilly disclose all of the above but does not expressly disclose a method, medium, or system wherein a message indicates that an item may be purchased at an alternate web site for an amount lower than that offered by the web site. Ehrlich discloses system and methods for relaying messages to users indicating that an item may be purchased at an alternate web site for an amount lower than that offered by the web site (Ehrlich: abstract and column 4, line 62 – column 5, line 19). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method and system of Lilly to have included a message indicates that an item may be purchased at an alternate web site for an amount lower than that offered by the web site, as taught by Ehrlich, in order to allow the customer to receive the lowest price for items (Ehrlich: column 5, lines 37-46).

Response to Arguments

Applicant's arguments filed June 5, 2007 have been fully considered but they are not persuasive. Applicant argues that Lilly does not disclose the last two limitations of claim 1. Lilly discloses, "...card issuer determines that the purchase amount does not exceed the available balance for the customer's extra credit line...". The examiner submits that this is the same as analyzing a cost of an item against a financial account's limit. Furthermore, paragraphs 49-50 clearly articulate updating status of a customer's financial account based on outstanding balances. It is inherent that outstanding balances are based on user purchases; see paragraph 4 disclosing, "When purchases are made or debts incurred with the credit card, the available portion of the credit limit is reduced by the purchase or debt amounts." The examiner notes that the prior art of record must be considered in its entirety, the rejection above is not limited to the cited passages. Independent claims 37 and 75 and their dependent claims are rejected under the same rationale. Lastly, the examiner notes that claims 53-54 are medium claims that mirror the method and system claims 15-16 and 89-90. Claims 53-54 were rejected under Lilly in view of Ehrlich but were included in the 102(e) rejection due to a typographical error. The correction is noted above.

Applicant further argues that claim 36 is not disclosed by Lilly. The examiner submits that Lilly discloses a providing a message to the display device of a client system based on the user's financial account status. See at least Lilly: abstract and paragraphs 49-50 and 89, as previously cited. If applicant wishes to pursue prosecution, the examiner recommends rewriting claims 36, 74, and 109 in order to

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recite the limitations in a positive, rather than alternative mode. For instance, the second limitation recites, "determining **whether** a web site provided by the web server to the client is associated with a list of web sites." If the web site is **not** associated with a list then the remaining limitations are moot.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
8/6/07



JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600